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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,716	10/24/2001	Sven O. Lund	42P12870	9752

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EXAMINER

WON, MICHAEL YOUNG

ART.UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,716

Applicant(s)

LUND ET AL.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-19 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langley et al. (US 6,700,890 B1) in view of Love et al. (US 6,904,020 B1).

### **INDEPENDENT:**

As per **claim 1**, Langley teaches a method to configure a network device, comprising: receiving a request to configure a first permanent virtual circuit (PVC) (see col.3, lines 16-21: "request... and update the configuration information") between a digital subscriber line (DSL) (see col.5, lines 46-49) device (see Fig.2A, #220; and col.6, lines 25-26: "endpoint device 220") and a DSL access module (DSLAM) (see Fig.2A, #210; and col.4, lines 30-34: "ATM switch 210"); and automatically configuring said first PVC and using said configuration information to configure said first PVC (see col.3, lines 10-17).

Langley does not explicitly teach of using a list of probe values to probe for configuration information for said PVC. Love teaches of using a list of probe values to probe for configuration information for said PVC (see col.6, lines 29-34, lines 36-38, & lines 63-67; and col.13, lines 56-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Love within the system of Langley by implementing probing for configuration information for said PVC within the method to configure a network device because Love teaches that probing is a prior art scheme or approach to accomplish automatic communication network monitoring (see col.3, lines 23-32) and such automated monitoring eliminates the shortfalls of manual monitoring systems (see col.2, lines 29-65 and col.16, lines 1-8).

As per **claim 8**, Langley teaches of a system to configure a network device, comprising: a digital subscriber line (DSL) (see col.5, lines 46-49) customer premise equipment (CPE) (see Fig.2A, #220; and col.6, lines 25-26: "endpoint device 220"); a DSL access module (DSLAM) (see Fig.2A, #210; and col.4, lines 30-34: "ATM switch 210") connected to said DSL CPE (see Fig.2A); and detecting configuration information for use in configuring a permanent virtual circuit (PVC) between said DSL CPE and said DSLAM (see col.3, lines 10-17).

Although Langley teaches of DSL (see col.5, lines 46-49), Langley does not explicitly teach of a probing module to use probe values for detecting configuration information. Love teaches of a probing module (see col.6, lines 29-30: "measurement

probes”) to use probe values for detecting configuration information (see col.6, lines 29-34, lines 36-38, & lines 63-67; and col.13, lines 56-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Love within the system of Langley by implementing probing modules to use probe values for detecting configuration information within the system to configure a network device because Love teaches that probing module “can connected directly to one of the transmission wires of the network... without interfering with the normal flow traffic” (see col.6, lines 57-61) thereby making the module mobile and Love further teaches that probing is a prior art scheme or approach to accomplish automatic communication network monitoring (see col.3, lines 23-32) and such automated monitoring eliminates the shortfalls of manual monitoring systems (see col.2, lines 29-65 and col.16, lines 1-8).

As per **claim 11**, Although Langley teaches of a digital subscriber line (DSL) device and a DSL access module (DSLAM), Langley does not explicitly teach of a probing module for a network device, comprising: an event management module to send test packets using probe values from a device to an access module; a detection module to detect a packet received in response to at least one of said test packets; and an extraction module to retrieve configuration information from said received packet.

Love teaches of a probing module for a network device, comprising: an event management module (inherent: see col.3, lines 23-29: injected test data must injected from somewhere) to send test packets using probe values from a device to an access module (see col.3, lines 23-32); a detection module to detect a packet received in

response to at least one of said test packets (see Fig.2, #106; and col.7, lines 21-27); and an extraction module to retrieve configuration information from said received packet (see Fig.2, #108; and col.8, lines 13-24).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Love within the system of Langley by implementing probing for configuration information for said PVC within the network device because Love teaches that probing is a prior art scheme or approach to accomplish automatic communication network monitoring (see col.3, lines 23-32) and such automated monitoring eliminates the shortfalls of manual monitoring systems (see col.2, lines 29-65 and col.16, lines 1-8).

As per **claim 14**, Langley teaches an article comprising: a storage medium; said storage medium including stored instructions that, when executed by a processor (see col.4, lines 1-6), result in configuring a network device by receiving a request to configure a first permanent virtual circuit (PVC) (see col.3, lines 16-21: "request... and update the configuration information") between a digital subscriber line (DSL) (see col.5, lines 46-49) device (see Fig.2A, #220; and col.6, lines 25-26: "endpoint device 220") and a DSL access module (DSLAM) (see Fig.2A, #210; and col.4, lines 30-34: "ATM switch 210"), and automatically configuring said first PVC and using said configuration information to configure said first PVC (see col.3, lines 10-17).

Langley does not explicitly teach of using a list of probe values to probe for configuration information for said PVC. Love teaches of using a list of probe values to

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probe for configuration information for said PVC (see col.6, lines 29-34, lines 36-38, & lines 63-67; and col.13, lines 56-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Love within the system of Langley by implementing probing for configuration information for said PVC within the article comprising a storage medium because Love teaches that probing is a prior art scheme or approach to accomplish automatic communication network monitoring (see col.3, lines 23-32) and such automated monitoring eliminates the shortfalls of manual monitoring systems (see col.2, lines 29-65 and col.16, lines 1-8).

**DEPENDENT:**

As per **claims 2 and 15**, Love further teaches wherein said automatically configuring comprises: sending test packets to said DSLAM using said probe values; receiving a response packet to one of said test packets; retrieving said configuration information from said response packet (see claim 11 rejection above). Langley teaches of configuring said PVC using said retrieved configuration information (see claim 1 rejection above).

As per **claims 3 and 16**, Love further teaches wherein for each probe value in said probe table said sending comprises: retrieving a probe value from said list of probe values, wherein said probe value represents a virtual circuit (implicit: see col.3, lines 27-30; col.7, lines 21-22; and col.11, lines 47-51: if the system was "active probing", clearly the probe which comprises a test packet would comprise a value); enabling said virtual

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circuit (inherent); and sending a test packet over said virtual circuit (see col.3, lines 27-29).

As per **claims 4 and 17**, Langley teaches of further comprising disabling each virtual circuit that did not receive a response packet (implicit: see col.2, lines 18-25).

As per **claims 5 and 18**, Langley teaches of further comprising: receiving a request to configure a second PVC for said DSL device (see col.6, lines 3-8); receiving configuration information for said second PVC (see col.6, lines 9-19); and configuring said second PVC using said configuration information (see col.6, lines 19-24 and col.7, line 66-col.8, line 12).

As per **claims 6, 10, and 13**, Langley further teaches wherein said configuration information may comprise a virtual channel identifier (VCI) and a virtual path identifier (VPI) (see Fig.2B and col.4, lines 59-65).

As per **claims 7 and 19**, Langley teaches of further comprising: determining that a terminating condition has occurred prior to automatically configuring said first PVC (see col.8, lines 17-21); sending a message that said first PVC was not configured to a user (see col.8, lines 36-39); and receiving said configuration information for said first PVC from a user (inherent).

As per **claim 9**, Langley further teaches wherein said DSL CPE comprises a DSL CPE consisting essentially one of the following: a DSL/asynchronous transfer mode (ATM) router (see col.1, lines 42-45), an asymmetric DSL (ADSL)/ATM router, a DSL/ATM bridge, an ADSL/ATM bridge, a DSL modem, and an ADSL modem.



As per **claim 12**, Langley teaches of further comprising a configuration module to configure a permanent virtual connection between said DSL and said DSLAM using said configuration information (see col.4, lines 30-34 and col.6, lines 32-41).

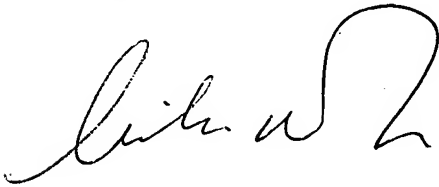
### ***Conclusion***

3. For the reasons above claims 1-19 has been rejected.
  
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



August 2, 2005



SALEH HAJJAR  
PRIMARY EXAMINER